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S. 3638

[Report No. 1959]

IN THE SENATE OF THE UNITED STATES

APRIL 16 (legislative day, APRIL 9), 1956

Mr. SMITH of New Jersey (for himself and Mr. MUNDT) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

MAY 9 (legislative day, MAY 7), 1956

Reported by Mr. MANSFIELD, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To promote the foreign policy of the United States by amending the United States Information and Educational Exchange Act of 1948 (Public Law 402, Eightieth Congress).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 *That (a) so much of section 2 of the United States Infor-*
4 *mation and Educational Exchange Act of 1948 as precedes*
5 *paragraph (1) thereof is amended to read as follows by*
6 *adding before the final period a semicolon and the following*
7 *new subparagraph (d) to paragraph (2):*

8 *"SEC. 2. The Congress hereby declares that the objec-*
9 *tives of this Act are to enable the Government of the United*

1 States of America to increase in other countries respect for
2 and confidence in the United States, its purposes, its demo-
3 cratic practices, culture, and society, to increase mutual
4 understanding, respect, and confidence between the people
5 of the United States and the peoples of other countries; and
6 to broaden the areas of cooperation between them in the
7 educational exchange, cultural and information fields.
8 Among other means in achieving these objectives, the Secre-
9 tary of State is authorized to establish—”.

10 (b) Paragraph (2) of section 2 of such Act is amended
11 to read as follows:

12 “(2) an educational exchange service to cooperate
13 with other nations in—

14 “(a) the interchange of knowledge, skills, informa-
15 tion, and experiences;

16 “(b) the interchange of technical and other
17 services;

18 “(c) the interchange of developments in the field
19 of education, the arts, sciences, and professions; and

20 “(d) the development of projects *for diffusion of*
21 *knowledge which are* of interest and value to the United
22 States and the other countries involved through diffusion
23 of knowledge.”

24 SEC. 2. (a) The heading of title II of such Act is

1 amended to read as follows: Section 201 of such Act is
2 amended by inserting the following new sentence after the
3 first sentence and by designating such two sentences as "(a)":

4 ~~TITLE II INTERCHANGE OF KNOWLEDGE,~~
5 ~~SKILLS, AND EXPERIENCE~~

6 (b) Section 201 of such Act is amended to read as
7 follows:

8 "PERSONS

9 "SEC. 201. (a) As a means of insuring interchange on
10 a cooperative basis of leaders and potential leaders between
11 the United States and other countries, the Secretary is
12 authorized to provide for and otherwise facilitate programs
13 for the exchange of (1) students and trainees; (2) teachers,
14 fellows, and lecturers; (3) professors and research scholars;
15 (4) specialists in any of the arts, sciences, trades, or pro-
16 fessions; and (5) leaders of thought and opinion at the
17 National, State, or local level. Such exchanges shall be for
18 the purpose of long- or short-term study or practical training,
19 teaching, lecturing, or research, and observation, consultation,
20 or other experience or activity which may be essential to
21 the successful operation of the programs and which will not
22 deprive American citizens or aliens lawfully admitted for
23 permanent residence of opportunities for gainful employ-
24 ment or professional training. The Secretary is also author-
25 ized to bring foreign nationals to the United States to inter-

1 pret and present the art and culture of cooperating countries.
2 The "The Secretary may also provide for the attendance of
3 nationals of one cooperating country at selected institutions
4 of learning or places of study in another cooperating country,
5 *for the purpose of study of subjects pertaining to or affect-*
6 *ing the United States or of participation in meetings spon-*
7 *sored by individuals or public or private organizations of the*
8 *United States, when he determines that urgent foreign rela-*
9 *tions objectives would be served thereby: thereby."* The
10 Secretary shall, wherever possible in connection with these
11 programs, utilize the services of existing reputable agencies
12 which are successfully engaged in such activity.

13 (b) Section 201 of such Act is further amended by
14 substituting for the last six sentences thereof the following:

15 "(b) The Secretary may provide for orientation courses
16 and other appropriate services and materials in the case of
17 persons coming to the United States from other countries
18 and going to other countries from the United States under
19 provisions of this Act or for purposes which the Secretary
20 determines to be in furtherance of the objectives of this Act.

21 "(c) When any country fails or refuses to cooperate in
22 the program provided herein the Secretary shall terminate
23 or limit such program, with respect to such country, to the
24 extent he deems to be advisable in the interests of the
25 United States.

1 "(d) The foreign exchange visitors provided for in this
2 section shall be admitted as nonimmigrants under section
3 101 (a) (15) of the Immigration and Nationality Act for
4 such time and under such conditions as may be prescribed by
5 regulations promulgated by the Secretary of State and the
6 Attorney General. Exchange visitors so admitted shall not
7 be eligible for a change of status under the provisions of sec-
8 tion 248 of the Immigration and Nationality Act, nor for ad-
9 justment of status under provisions of section 245 of that
10 Act. An exchange visitor who fails to maintain nonimmig-
11 grant status and exchange visitor classification or who fails
12 to depart from the United States on the termination of such
13 status or classification, shall, upon warrant of the Attorney
14 General, be taken into custody and promptly deported pur-
15 suant to sections 241, 242, and 243 of the Immigration and
16 Nationality Act. Exchange visitors who engage in activi-
17 ties of a political nature detrimental to the interests of the
18 United States, or in activities not consistent with the security
19 of the United States shall be considered to have failed to
20 maintain exchange visitor classification. Deportation pro-
21 ceedings under this section shall be summary and the find-
22 ings of the Attorney General as to matters of fact shall be
23 conclusive. Exchange visitors shall not be eligible for sus-
24 pension of deportation under section 244 of the Immigration
25 and Nationality Act. No person admitted as an exchange

1 visitor under this section or acquiring exchange visitor status
2 after admission shall be eligible to apply for an immigrant
3 visa or for a nonimmigrant visa under section 101 (a) (15)
4 (H) of the Immigration and Nationality Act, or for adjust-
5 ment of status to that of an alien lawfully admitted for perma-
6 nent residence, until it is established that such person has
7 resided and been physically present in a cooperating country
8 or countries for an aggregate of at least two years following
9 departure from the United States: *Provided*, That upon re-
10 quest of an interested Government agency and the recommen-
11 dation of the Secretary of State, the Attorney General may
12 waive such two-year period of residence abroad in the case
13 of any alien whose admission to the United States is found
14 by the Attorney General to be in the public interest: *And*
15 *provided further*, That the provisions of this paragraph shall
16 apply only to those persons acquiring exchange visitor status
17 or, who, having such status, obtain an extension of stay
18 thereunder, subsequent to the date of the enactment hereof."

19 SEC. 3. Section 202 of such Act is amended to read
20 as follows:

21 "BOOKS AND MATERIALS

22 "SEC. 202. The Secretary is authorized to provide for
23 interchanges between the United States and other countries
24 of books and periodicals, including Government publications,
25 and for the preparation, publication, distribution, translation,

1 and interchange of such writings and other cultural and edu-
2 cational materials, including visual and auditory materials of
3 all kinds."

4 SEC. 4. Section 601 of such Act is amended by insert-
5 ing after the words "*Provided, however,*" the following:
6 "That the Commission on Educational Exchange shall recom-
7 mend policies and programs to further cultural relations with
8 participating countries by means of exchange of persons and
9 other means, and shall recommend criteria for the selection
10 of persons for participation in exchange programs under this
11 Act: *And provided further,*".

12 SEC. 5. (a) Section 602 (a) of such Act is amended
13 (1) by inserting before the period at the end thereof a colon
14 and the following: "*Provided,* That no office under a State
15 university, land-grant college, or other similar educational
16 institution shall be deemed to be a compensated Federal or
17 State office for the purposes of this subsection."; and (2) by
18 adding the following new sentence: "*After July 1, 1956,*
19 *the Commission on Information shall consist of seven members,*
20 *not more than four of whom shall be from any one political*
21 *party; and the appointments of the two additional members*
22 *initially shall be for terms ending in January 1957 but*
23 *thereafter shall be for three year terms.*"

24 (b) Section 602 (c) of such Act is amended by striking
25 out of the words "and public service" and inserting in lieu

1 thereof the words "public service, professional, business, agri-
2 culture, and labor".

3 (e) Section 602 (h) of such Act is amended to read
4 as follows:

5 "(h) The Department is authorized to provide the nec-
6 essary professional, technical, secretarial, and clerical assist-
7 ance for the Commissions."

8 SEC. 6. Section 603 of such Act is amended by striking
9 out the words "a semiannual" and substituting the words
10 "an annual" therefor.

11 SEC. 7. Title VI of such Act is amended by adding at
12 the end thereof a new section as follows:

13 *"BINATIONAL COMMISSIONS*

14 "SEC. 604. The Secretary is authorized to establish in
15 any country in which a program under this Act is in effect
16 an advisory commission which may be composed of citizens
17 of such country or citizens of the United States, or both.

18 It shall be the function of any commission so established
19 to advise the Secretary with respect to matters concerning
20 the administration of such program. The Secretary is also

21 authorized, wherever practicable, to utilize in the admin-
22 istration of exchange programs under this Act the services
23 of any binational commission established under authority
24 of any other law providing similar exchange programs.

25 Appropriations made to carry out the purposes of this Act

1 shall be available to the Secretary for payment of the ex-
2 penses of any commission established or utilized pursuant to
3 this section."

4 SEC. 8. Section 702 of such Act is amended by desig-
5 nating the present provision as "(a)" and by adding the
6 following new subsection:

7 "(b) Whenever the President determines it to be nec-
8 essary for the purposes of this Act, not to exceed 10 per
9 centum of the funds made available to carry out United States
10 information program activities may be transferred to and
11 consolidated with the funds made available to carry out in-
12 ternational educational exchange activities and may be used
13 for any of the purposes for which the latter funds may be
14 used."

15 SEC. 8. (a) Section 801 (6) of such Act is amended
16 to read as follows:

17 "(6) to create, with the approval of the Commis-
18 sion on Information and the Commission on Educational
19 Exchange, such advisory committees as the Secretary
20 may decide to be of assistance in formulating his policies
21 for carrying out the purposes of this Act; and from
22 time to time to hold meetings of representatives of
23 United States cultural and educational institutions and
24 other organizations interested in programs under this

Act. S. 3638 (2) (b) (1) (B) (ii) (B) (iii) (B) (iv) (B) (v)

1 Act for the purpose of making reports on, and obtaining
2 comments and suggestions with respect to, such pro-
3 grams. Such persons will not be considered as persons
4 'employed or assigned to duties by the Government'
5 within the meaning of the Act. No such member of an
6 advisory committee or representative of any such insti-
7 tution or organization shall be allowed any salary or
8 other compensation for services, but he may be paid
9 his actual transportation expenses and per diem in lieu
10 of subsistence and other expenses at the rate prescribed
11 by or established pursuant to section 5 of the Adminis-
12 trative Expense Act of 1946, as amended (5 U. S. C.
13 73 b-2) while away from his home in attendance upon
14 meetings within the United States or in consultation
15 with the Department under instructions."

16 (b) Section 801 of such Act is further amended by
17 striking out "and" at the end of paragraph (5), by striking
18 out the period at the end of paragraph (6) and inserting
19 in lieu thereof a semicolon, and by adding at the end of
20 the section the following new paragraphs:

21 "(7) to engage the services of experts and con-
22 sultants, or organizations thereof, as authorized by sec-
23 tion 15 of the Act of August 2, 1946 (U. S. C., title
24 5, sec. 55a), and individuals so engaged may be com-
25 pensated at rates not in excess of \$50 per day and,

1 while away from their homes or regular places of
2 business, may be paid travel expenses, including per
3 diem allowances in lieu of subsistence at the rates
4 provided for in the Standardized Government Travel
5 Regulations."

6 SEC. 9 10. Section 802 of such Act is amended—

7 (1) by inserting "(a)" after "SEC. 802.";
8 (2) (1) by inserting "contracts of insurance, guar-
9 anty, and indemnity, and" after *the first* "including" in
10 paragraph (2); and

11 (3) (2) by striking "and" at the end of paragraph
12 (3), by striking out the period at the end of paragraph
13 (4) and inserting in lieu thereof a semicolon and by
14 adding after paragraph (4) the following new para-
15 graphs:

16 “(5) to pay emergency medical expenses and ex-
17 penses of travel incurred by reason of illness *for alien*
18 *employees while assigned temporarily for duty outside*
19 *the countries in which they reside or for participants in*
20 *activities authorized by this Act and to pay for accom-*
21 *panying medical attendants in such cases; and*

22 “(6) to pay the travel expenses, including a per
23 diem allowance in lieu of subsistence, of alien employees
24 and their dependents when such employees are author-

1 ized to travel in connection with appointment, change of
2 duty, or separation.".; and

3 (4) by adding at the end thereof the following new
4 subsection:

5 "(b) The Department and any Government agency
6 conducting any nonmilitary exchange of persons program or
7 any program of furnishing technical information and assist-
8 ance are authorized to pay, in the case of foreign nationals
9 participating in such program, amounts necessary to meet
10 United States income taxes where, except for participation
11 in such program, the liability for such tax would not have
12 been incurred."

13 SEC. 10 11. The first sentence of section 902 of such Act
14 is amended to read as follows: "If any other Government
15 or any international organization shall express the desire to
16 provide funds, property, or services to be used by this Gov-
17 ernment, in whole or in part, for the expenses of any
18 specific part of the program undertaken pursuant to this
19 Act, the Secretary is authorized, when he finds it in the
20 public interest, to accept such funds, property, or services."

21 SEC. 11 12. Section 1008 of such Act is amended by in-
22 serting before the period at the end thereof a comma and
23 the following: "except that the report concerning activities
24 under the educational exchange programs authorized by this
25 Act shall be submitted annually on or before the thirty-first

1 day of December of each year to apply to activities conducted
2 during the previous fiscal year".

3 SEC. 42 13. The United States Information and Educa-
4 tional Exchange Act of 1948 is further amended by adding
5 the following new sections at the end thereof:

6 "PAYMENT OF CERTAIN CLAIMS

7 "SEC. 1012. For the purpose of promoting and main-
8 taining friendly relations abroad by the prompt settlement
9 of meritorious claims arising in a foreign country, the Sec-
10 retary of State and the Director of the United States Infor-
11 mation Agency, and such other officers as they may design-
12 ate for such purposes, and under such regulations as they
13 may prescribe, are hereby authorized to consider, ascertain,
14 adjust, determine, and make payments, where accepted by
15 the claimants in full satisfaction and in final settlement, of
16 claims on account of damage to or loss or destruction of
17 public or private property both real and personal or on
18 account of personal injury or death, including claims respect-
19 ing personal property bailed to the Government and claims
20 for damages incident to the use and occupancy of real prop-
21 erty, whether under a lease, express or implied, or other-
22 wise, whenever caused by any instrumentality, officer, agent
23 or employee of the Department or Agency, incident to the
24 performance of any official functions for the United States,
25 when the amount of such claim does not exceed \$5,000:

1 *Provided*, That in cases where the amount exceeds \$2,500
2 but does not exceed \$5,000, payment shall be made only
3 after approval by the Secretary or Director.

4 “The Secretary or Director may certify to Congress
5 any meritorious claim or portion thereof which is in excess
6 of \$5,000 as may be deemed to be just and reasonable for
7 payment out of appropriations that may be made by Con-
8 gress therefor.

9 “No claim shall be considered unless presented within
10 one year after the claim arose, except for good cause shown
11 that the claim could not have been presented within that
12 period of time.

13 “Every claim settled under the authority of this Act
14 shall be final and conclusive for all purposes, notwithstanding-
15 ing any other provision of law to the contrary.

16 “UNITED STATES INFORMATION OFFICERS

17 “SEC. 1013. (a) In accordance with regulations pre-
18 scribed by him and after suitable examination, the Director
19 of the United States Information Agency may appoint per-
20 sons to be known as United States Information Officers.
21 Such officers shall be appointed, promoted, and retained on
22 the basis of merit and fitness and may be separated only in
23 accordance with law. Except for the limitations of time
24 contained in sections 522 and 527 of the Foreign Service
25 Act of 1946, as amended, all provisions of law not incon-

1 sistent herewith which are applicable to Foreign Service
2 Reserve Officers shall be applicable to United States In-
3 formation Officers, and the Director shall be guided by the
4 policies and principles prescribed in those sections. The Di-
5 rector shall establish such examining and selection boards or
6 panels as may be necessary for use in the appointment,
7 promotion, and separation of United States Information
8 Officers.

9 "(b) Any United States Information Officer may be
10 separated by the Director for unsatisfactory performance of
11 duties, but only after a review of his case by, and opportu-
12 nity for a hearing before, an impartial advisory board ap-
13 pointed by the Director. The Director shall also provide for
14 the periodic appraisal of such officers and, in accordance with
15 regulations prescribed by him, may separate those who are
16 consistently ranked below a minimum level prescribed for
17 their class.

18 "(c) The Director may establish an independent re-
19 tirement and disability system for the benefit of United States
20 information officers based on the provisions of the Foreign
21 Service Act of 1946, as heretofore or hereafter amended.
22 Any officer separated pursuant to subsection (b) hereof
23 shall be entitled to the payments or retirement benefits pre-
24 scribed in sections 634 or 637 of that Act, as appropriate.

1 "UNITED STATES INFORMATION SERVICE
2 "SEC. 1014. The agency established by section 1 of
3 Reorganization Plan Numbered 8 of 1953 shall hereafter
4 be known as the 'United States Information Service' and
5 all references in such reorganization plan or in any statute,
6 regulation, agreement, or other legal instrument to the
7 'United States Information Agency' shall be construed to
8 refer to the 'United States Information Service'. Nothing
9 in this section shall be construed to alter or affect in any
10 way the functions, authorities, or responsibilities of the
11 agency."

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